

Message Text

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ACTION EB-07

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E.O. 11652: N/A

TAGS: ETRD, OECD, EEC

SUBJECT: GOVERNMENT PURCHASING: THE OECD CODE AND FRANCE -
THE WOOTEN AND CHIRAC LETTERS

REF: A. OECD PARIS 28027 B. EC BRUSSELS 6139 C. STATE 258359

D. PARIS 27093 E. EC BRUSSELS 7867

1. ON NOVEMBER 4 WE ASKED JEAN PIERRE DERISBOURG, THE EC COMMISSION'S DELEGATE TO THE OECD WORKING GROUP ON GOVERNMENT PROCUREMENT IF IT WAS HIS UNDERSTANDING THAT (A) FRANCE WAS INTERESTED IN NEGOTIATING AND CONCLUDING A SELF-CONTAINED AGREEMENT ON GOVERNMENT PROCUREMENT IN THE OECD WITH IMPLEMENTATION OF THE AGREEMENT IN THE OECD FRAMEWORK AND (B) IF THE FRENCH DELEGATE TO THE LAST WORKING GROUP MEETING HAD MADE SUCH A PROPOSAL, WAS THERE EC AGREEMENT ON THIS POSITION. WE DID NOT REVEAL THE EXISTENCE OF THE LETTER FROM OECD DEPUTY SECRETARY GENERAL WOOTEN TO AMBASSADOR DENT WHICH PROMPTED THE ABOVE QUESTIONS (SEE REFTTEL A).

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2. DERISBOURG AGREED THAT THE FRENCH DELEGATE HAD MADE SUCH A PROPOSAL BUT UNDERSTOOD IT TO HAVE BEEN MADE IN THE CONTEXT OF A DEISCUSSION ON DISPUTES SETTLEMENT. HE SAID THE FRENCH DELEGATE'S POSITION WAS THAT IF THERE WERE AN AGREEMENT IN THE OECD CONTEXT, A COMPLICATED SYSTEM FOR DISPUTES SETTLEMTN WOULD NOT BE NECESSARY AS IT WOULD BE FOR AN AGREEMENT IN THE GATT WITH MANY MORE SIGNATORIES. DERISBOURG SAID, HOWEVER, THAT HE HAD BEEN TOLD BY FRENCH FOREIGN MINISTRY OFFICIALS THAT THE ENTIRE FRENCH GOVERNMENT, AND PARTICULARLY THE MINISTRY OF FOREIGN AFFAIRS, DOES NOT SUPPORT THE IDEA OF COM- PLETING AND PUTTING INTO APPLICATION A SELF-CONTAINED GOV- ERNMENT PROCUREMENT CODE REACHED IN THE OECD. HE SAID THE MFA CONSIDERS THE GOVERNMENT PROCUREMENT CODE A PART OF THE MTN.

3. DERISBOURG SAID THAT THE FRENCH DELEGATE'S PORPOSAL DID NOT REPRESENT THE POSITION OF THE EC. THE EC IS STILL OPERATING ON THE BASIS OF AN INSTRUCTION FROM THE ARTICLE 113 COMMITTEE IN MAY WHICH CALLED UPON THE COMMISSION TO ACCELERATE WORK ON GOVERNMENT PROCUREMENT SO AS TO ARRIVE AT AN AD REFERENDUM AGREEMENT ON THE CODE IN THE OECD BY LATE 1975 OR EARLY 1976, BEFORE DISCUSSIONS ON THE CODE SHIFT FROM THE OECD TO THE GATT (SEE REFTEL B, PARA 3). DERISBOURG SAID THAT ALTHOUGH THE EC POSITION COULD CHANGE, THE PRESENT POSITION IS THAT THE GOVERNMENT PROCURMENT CODE SHOULD BE FINALIZED IN THE GATT.

4. WE TOOK THE OCCASION TO ASK DERISBOURG IF HE WAS AWARE OF A LETTER FROM FRENCH PRIME MINISTER CHIRAC TO THE FRENCH ADMINISTRATION CALLING FOR NEW SPENDING PROPOSALS WHICH, INTER ALIA, "DO NOT ENTAIL ORDERS FOR IMPORTED MATERIAL." HE RESPONDED THAT HE WAS UNAWARE OF THE CHIRAC LETTER AND SAID THE COMMISSION HAD NOT RECEIVED COMPLAINTS ABOUT NEWLY- INSTITUTED DISCRIMINATORY FRENCH GOVERNMENT PROCUREMENT PREACTICES. DERISBOURG AGREED, HOWEVER, THAT CHIRAC'S LETTER COULD BE INTERPRETED AS ADVOCATING A POLICY IN VIOLATION OF ARTICLE 30 OF THE ROME TREATY (SEE REFTEL E).

5. COMMENT: WHEN EMBASSY PARIS LEARNS THAT THE FRENCH NATIONAL UNION OF IMPORTERS OF COMPUTERS AND RELATED EQUIPMENT HAS BROUGHT THE CHIRAC LETTER TO THE ATTENTION OF THE COMMISSION, IT LIMITED OFFICIAL USE

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WOULD BE HELPFUL IF USEC WERE INFORMED SO THAT WE COULD MONITOR COMMISSION ACTION ON THE COMPLAINT. END COMMENT.
GREENWALD

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